

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of  
Lance G. Montour  
Respondent

Civil Citation No. 70702  
2125 Cedar Barn Way

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on March 16, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 35-5-302 (b)(1), failure to make repairs on the house listed on the correction notice on residential property zoned DR 5.5 known as 2125 Cedar Barn Way, 21244.

On January 19, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Charles Krick issued a Code Enforcement citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,000.00 (one thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on November 10, 2009 for removal of trash and debris, repair exterior structure, replace front rain gutter, replace missing siding around front window, replace missing roof shingles on this investment property. This Citation was issued on January 19, 2010.

B. Photographs in the file of this attached townhouse show that the front horizontal rain gutter is missing. Notes in the file by Inspector Krick state that he could not inspect the roof to check for missing shingles, but that the complaint received by the County included allegations that shingles are missing. Failure to maintain the roof and gutters puts adjoining houses at risk of damage. Photographs in the file also show damaged and missing siding, particularly around the front basement window. Re-inspection on March 15, 2010 found no improvement.

C. This is an investment property. Respondent is required by law to maintain the exterior of this rental property at least in conformance with county code standards, including keeping all exterior surface materials maintained weatherproof and properly surface-coated to prevent deterioration. BCC Article 35, Title 2, Subtitle 4 (Maintenance of Investment Property); BCC Article 35, Title 5, Subtitle 2 (Rental Property). Respondent has failed to maintain this property in compliance with code requirements. This kind of inadequate maintenance of investment property is detrimental to communities. See BCC 35-2-402.

D. Because compliance is the goal of code enforcement, the civil penalty will be significantly reduced if the violations are corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if the violations are corrected by April 12, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 22<sup>nd</sup> day of March 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer

MZF/jaf